

Meeting Start - 6:09 PM

Craig - presentation  
5/20/10 - PC hearing to amend recent DR Reform policy

Judy B. - question

Craig - wait until end of presentation, continue presentation.  
Proposal included increased staff time for RDG implementation through RDT, offset by decreased time spent on DR (from administrative review).  
Every DR request gets a PC hearing - Tier 1 and 2 system to reduce staff time

Liz - examples

Group - what are the addresses? zoning?

Liz - examples are to illustrate concepts, case history is not the issue. continue presentation

Interruption - spiral staircase. Steve Williams said...

Craig - Steve Williams says a lot of things.

Steve W. - screw you Nikitas

Craig - What?

Steve W - screw you buddy.

Liz - continue presentation. complete presentation. summarize proposal. eliminate detailed case report. every project at hearing.

Paul W - clarification. evolved since Friday. Tier 1 and 2. presentation time, but big difference is staff time. If commission says project is more complex, why should they have to continue? Don't they have full RDT report?

Liz - continuance isn't required to take action. PC could take action.

Craig - continuance could provide for additional staff report.

Paul W - only real difference between tier 1 and 2 - staff time (case report) and presentation time.

Hiroshi - not much presentation time difference between 1 and 2. why not keep them the same? don't need staff analysis. keep commission procedures the same. staff presentation not necessary. No staff report, ever.

Judy B. - heard on thursday that no commission hearing would take place. where does exceptional and extraordinary come from?

Liz - adopted as part of PC policy.

Craig - 2004 - PC (under acting ZA Jim Nixon)

Judy B. - preapp needs enforcement and penalties.

Liz - what does preapp have to do with tier 1 and 2?

Judy B. - Nothing. everything will be tier one. need definition of unwarranted DR. No more Planning Code amendments (delete going back in 2 years). explain following from memo - unfortunately, since staff will send all DRs to Commission, don't have time to do certain things - explain.

Craig - it is unfortunate. staffing issues. reduced staff.

Judy B. - Aren't you leaving the Department Mr. Nikitas?

Craig - That hasn't been decided. I don't discuss personnel issues at meetings like these.

Judy B. - I heard it was discussed at a meeting like this in another building. He brought it (staffing) up.

Liz - policy creates win - win. gives to public and department.

mumbles. bullshit.

Judy B. - so staffing has increased?

Paul - let's not bring up staffing.

Judy B. - I didn't bring it up.

Cathy - about 30 rezonings. have plenty of staff, just don't want to dedicate to neighborhood protection. preapp and penalties.

Hiroshi - DRs have decreased.

Steve W. - 50%

Craig - decreased at same rate as permits.

Steve W. - statement that we are doing more now is crazy. numbers of DR are down.

Craig - amount of time per DR has increased. RDT, meetings, etc.

Steve W. - Teams have been in place for more than a decade.

Penelope - staff report is for benefit of commissioners.

Craig - more for benefit of public. commissioners have read materials.

Penelope - why requiring less info? Tier 1 and 2 - dividing illogically - more complex needs rendering.

Liz - if commission believes project should be Tier 2, then they can request it.

Penelope - should require only one commissioner to make tier 2. rebuttal is important. no difference in time for presentations. saving two minutes is ridiculous. seems petty. PC and Department have certain duties. unsure of why need for 2 different tiers. must be reason that it takes so much time. difficult for commission to understand so much information in 7 minutes, with 2 minute rebuttal. trying to make it more difficult for commission to understand (providing them less information).

Liz - if commission doesn't understand, they can make it tier 2.

Paul W - point of clarity - who makes tier 1/2 determination? RDT?

Craig/Liz - yes.

Liz - let's move along.

Marilyn - Commission is pleased with preapp and RDT. BoS wanted time to see how these improvements work. Process should be the same. arbitrary. department bias - determination biases commission. number of DRs decreasing. staff hasn't decreased. emphasis should be on rezoning city. need time for policy. policy is coming too fast for community. this is a democracy. we should have the right to respond. minor modifications not under DR skews statistics. no 2010 minutes, only 2009. need time to assess impacts. right for any person to file DR.

David - agree wholeheartedly with Marilyn. examples were legitimate DRs. department spent staff time - so what. no evidence of harassment. see handout. commission has purview to review permits. this is what we want in a democracy. we shouldn't even be having these meeting. spending more staff time on this. it isn't right.

Steve W - it's in your materials that all DRs go to commission. 150 filed and 40 go to hearing.

Craig - data doesn't support that - it is a significant number. craig 25% of DRs filed get withdrawn.

Steve W. - materials. triggers, design review, RDT is not new.

Craig - RDT is new - 3 years. UDAT predated - mid-rise, mixed use developments.

Steve W. - All projects will be tier 1 because only two cases were exceptional and extraordinary last year. I keep getting interrupted. where do mandatory DRs go? 3 tiers - 1, 2 and mandatory. concern that all DRs will be tier 1.

Craig - RDT doesn't respond to all DRs.

Liz - use something other than exceptional and extraordinary.

Steve W - size, multilevel addition, rear yard averaging. exceptional and extraordinary is meaningless. grant all variances (finding E/E), but denying variances (not finding E/E). time limits need to be addressed. staff and builders get all the time. constant friendly questions for the projects that you want to win.

Carolyn - BoS - oversight - finding tier 1 will influence commissioners. proposed improvements exist to reduce number of DRs, why not complete work. Department is still the gate keeper.

Cathy - agree with that. analyze with reality. once it is tagged tier one, the commission will see it as such. burden is on DR requestor. reviewed checklist - compare guidelines and checklist, guidelines are much more detailed. would like to know more about RDT.

Liz - 8 people - craig, ben, david, tina, michael, liz, glenn. vigorous debate about projects, elements. vote.

Steve W. - notes are truncated.

Liz - I took that one. They're supposed to be quick notes.

Cathy - permits for utility panels - who deals with this. can I DR.

Craig - DBI if on facade. complicated. fire wants emergency shut-off. safety concerns sometimes override design concerns. easier for department to deal with vaults.

Cathy - tier one has more far reaching impacts other than case reports.

Henry K - can anyone file a DR at any time w/o reason? support some trigger - exceptional and extraordinary. unfair.

Judy B. - I don't think it happens that often.

Paul W. - it does.

Henry K - it does happen. it's unfair.

Marilyn - he's a permit expeditor. he has a conflict of interest.

Judy B. - On Thursday, Angus said that all he wants is certainty. you want definition of E/E. how about definition of frivolous. we're on the right track. need objective definition - sq. ft., cu. ft. or price...

Henry K - supported DR reform from beginning. something needs to be done.

David - what's wrong with a hearing. it's just a hearing.

Dick Millet - preapp should be required in neighborhood.

Liz - this isn't happening anymore. must be in neighborhood or at Department.

Dick - why can't we get notice with plans.

Liz - plans are required at meeting and you can request plans.

Ellen - along the lines of Dick. nobody has mentioned notification. key for neighbors to get in the game before project is done. names neighbor property. no notice. glad it is being done. but no notice. redoing at front, a lot of work at rear, add garage, units. ADDRESS: 706 Wisconsin (was the Ferlinghetti house).

David Ehrlich - representing people who have had DRs filed on them (Noe Valley), including himself - organized because someone has to do something about this. A DR was filed for a deck on my property.

Cathy - where was deck?

David Ehrlich - second story deck. Commission found unanimously - cost \$25,000.

Steve W - Who did you hire?

David Ehrlich - nobody. this was cost for story poles, etc.

Steve W - interrupts.

Liz - it's his time...

David Ehrlich - people can misuse DR process. it costs the homeowner a huge amount of resources and time. we would all be better off if we have triggers for frivolous DRs.

not triggered by size, but by impacts (light, privacy, character). give Department mission of reviewing applications is extremely important. we need to look at record in a few years and see how Department did. need track record.

Rose - I've been watching this happen - confused - what is trigger? need specificity. need definition for frivolous and unwarranted. RDG not always consistent. preapp for deck eliminated? example of preapp that states no limit to height. architect is friend. won't file DR. understand project from preapp.

#### CHECKLIST FOR DR FILING SIMILAR TO CATEX?

David Ehrlich - if you're relying on architect to do preapp, they should be held accountable and sanctioned.

Penelope - need comprehensive list of "minor" projects, so public knows they don't need to expend resources. sometimes peoples strategy is to delay. need to expedite to commission.

David Ehrlich - fear of DR with homeowner. go to extensive lengths to address neighbor concerns - 10 different deck designs